

**SUPREME COURT MINUTES  
FRIDAY, DECEMBER 9, 2011  
SAN FRANCISCO, CALIFORNIA**

**S198387****VANDERMOST (JULIE) v.  
BOWEN (DEBRA)**

Order to show cause issued

In light of the short time frame imposed by the impending 2012 electoral cycle, and the need to clarify the districts that are to be used in conducting the primary and general elections for the California Senate in 2012 should the referendum petitions that have been filed with the Secretary of State prove sufficient to qualify the referendum for placement on the November 2012 ballot and to stay the Senate redistricting map drawn and certified by the Citizens Redistricting Commission, the court has determined that it is appropriate to issue an order to show cause in this matter at this juncture, while reserving the question of this court's jurisdiction for resolution in our eventual decision in this proceeding.

In addition to addressing issues relating to what relief, if any, this court should order in the event the referendum regarding the Senate redistricting map qualifies for the November 2012 ballot, the parties are directed to address the following jurisdictional issues: (1) What standard or test should this court apply in determining whether a referendum is "likely to qualify" within the meaning of article XXI, section 3, subdivision (b)(2) of the California Constitution, for purposes of deciding when a petition for writ of mandate may be filed in this court under that constitutional provision? (2) Is this court's authority to entertain a petition for writ of mandate prior to the formal qualification of a referendum petition limited to the circumstances set forth in article XXI, section 3, subdivision (b)(2), or does this court have other authority (including inherent authority) to entertain such a petition even if it cannot yet be determined whether such a referendum is "likely to qualify" for placement on the ballot?

The motion of the Citizens Redistricting Commission to intervene in this proceeding and for leave to file preliminary opposition is granted.

To the extent the petition filed in this matter seeks any interim relief pending this court's eventual decision in this matter, the request for any such interim relief is denied.

Petitioner's request for judicial notice filed on December 2, 2011, is granted.

To facilitate this court's conducting of oral argument in this matter as early as the first two weeks in January 2012, and the filing of an opinion in this matter as early as the end of January 2012, the court orders an extremely expedited briefing schedule, as follows:

Respondent and intervener Citizens Redistricting Commission are each directed to serve and file a return or opposition to the order to show cause on or before Wednesday, December 14, 2011.

Petitioner may serve and file a reply to the return or opposition on or before Monday, December 19, 2011.

Any application to file an amicus curiae brief and any amicus curiae brief may be served and filed on or before Wednesday, December 21, 2012.

Any reply or consolidated reply to any amicus curiae brief or briefs may be served and filed on or before Thursday, December 22, 2012.

All service and filings may be made by facsimile with the original and hard copies to follow by mail. The court's fax number is (415) 865-7183.

No extension of time will be granted.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

**S193178**

**BONILLA (STEVEN WAYNE)  
v. S.C. (PEOPLE)**

Petition stricken (case closed)

The petition for writ of mandate filed May 17, 2011, is ordered stricken. (see *In re Barnett* (2003) 31 Cal.4th 466, 476-478.)

**S195863**

**BONILLA (STEVEN WAYNE)  
v. S.C. (PEOPLE)**

Petition stricken (case closed)

The petition for writ of mandate filed August 24, 2011, is ordered stricken. (see *In re Barnett* (2003) 31 Cal.4th 466, 476-478.)

**S195999**

**BONILLA (STEVEN WAYNE)  
v. S.C. (PEOPLE)**

Petition stricken (case closed)

The petition for writ of mandate/prohibition, filed August 26, 2011, is ordered stricken. (see *In re Barnett* (2003) 31 Cal.4th 466, 476-478.)

**S196300**

**BONILLA (STEVEN WAYNE)  
v. S.C. (PEOPLE)**

Petition stricken (case closed)

The petition for "Writ of Mandate - Regarding Non-Existing Evidence," filed September 6, 2011, is ordered stricken. (see *In re Barnett* (2003) 31 Cal.4th 466, 476-478.)

**S196301**

**BONILLA (STEVEN WAYNE)  
v. S.C. (PEOPLE)**

Petition stricken (case closed)

The petition for "Writ of Mandate - Regarding the Federal Disclosure to the State of Evidence That Never Existed," filed September 7, 2011, is ordered stricken. (see *In re Barnett* (2003) 31 Cal.4th 466, 476-478.)

**S070250****PEOPLE v. JOHNSON  
(MICHAEL RAYMOND)**

Extension of time granted

Good cause appearing, and based upon counsel Anthony J. Dain's representation that he anticipates filing the appellant's reply brief by December 20, 2011, counsel's request for an extension of time in which to file that brief is granted to December 20, 2011. After that date, no further extension will be granted.

**S080054****PEOPLE v. LINTON (DANIEL  
ANDREW)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time in which to file the appellant's reply brief is granted to February 1, 2012. After that date, no further extension will be granted.

**S084996****PEOPLE v. CHHOUN (RUN  
PETER)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by September 14, 2012, counsel's request for an extension of time in which to file that brief is granted to February 14, 2012. After that date, only four further extensions totaling about 210 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S086578****PEOPLE v. LOOT  
(KENDRICK) & MILLSAP  
(BRUCE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Craig Buckser's representation that he anticipates filing appellant Kendrick Loot's opening brief by April 2012, counsel's request for an extension of time in which to file that brief is granted to February 14, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S087560****PEOPLE v. NADEY, JR.,  
(GILES ALBERT)**

Extension of time granted

Good cause appearing, and based upon counsel Christopher Johns's representation that he anticipates filing the appellant's opening brief by July 31, 2012, counsel's request for an extension of time in which to file that brief is granted to February 6, 2012. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S093944****PEOPLE v. BERTSCH (JOHN  
ANTHONY) & HRONIS  
(JEFFERY LEE)**

Extension of time granted

On application of appellant Jeffery Lee Hronis and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 14, 2012.

**S099844****PEOPLE v. RAMIREZ (JUAN  
VILLA)**

Extension of time granted

Good cause appearing, and based upon counsel Lisa R. Short's representation that she anticipates filing the appellant's opening brief by May 31, 2012, counsel's request for an extension of time in which to file that brief is granted to February 23, 2012. After that date, only two further extensions totaling about 100 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S105876****PEOPLE v. SUAREZ  
(ARTURO JUAREZ)**

Extension of time granted

Good cause appearing, and based upon counsel Lisa R. Short's representation that she anticipates filing the appellant's opening brief by December 2012, counsel's request for an extension of time in which to file that brief is granted to February 3, 2012. After that date, only five further extensions totaling about 300 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S105908****PEOPLE v. GHOBRIAL  
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Collette C. Cavalier's representation that she anticipates filing the respondent's brief by February 7, 2012, counsel's request for an extension of time in which to file that brief is granted to February 7, 2012. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S110804****PEOPLE v. ACREMANT  
(ROBERT JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 14, 2012.

**S138474****PEOPLE v. ANDERSON  
(ERIC STEVE)**

Extension of time granted

Good cause appearing, and based upon counsel Joanna McKim's representation that she anticipates filing the appellant's opening brief by March 1, 2013, counsel's request for an extension of time in which to file that brief is granted to February 6, 2012. After that date, only seven further extensions totaling about 390 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S158842****BARNWELL (LAMAR) ON  
H.C.**

Extension of time granted

Petitioner's request for relief from default is granted.

Good cause appearing, and based upon counsel Geraldine S. Russell's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by June 1, 2012, counsel's request for an extension of time in which to file that document is granted to January 30, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S178504****DALTON (KERRY LYN) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Jolie Lipsig's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by January 2013, counsel's request for an extension of time in which to file that document is granted to January 30, 2012. After that date, only six further extensions totaling about 360 additional days are contemplated.

**S190968****BURNEY (SHAUN KAREEM)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Tami Falkenstein Hennick's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by February 28, 2012, counsel's request for an extension of time in which to file that document is granted to February 10, 2012. After that date, only one further extension totaling about 20 additional days is contemplated.

**S191021****COTE (FREDERICK R.) ON  
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to January 9, 2012.

**S191747**      G041831 Fourth Appellate District, Div. 3**PEOPLE v. SAUCEDA-  
CONTRERAS (JOSE)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to December 19, 2011.  
No further extensions of time are contemplated.

**S192513**      C064982 Third Appellate District**PEOPLE v. McCULLOUGH  
(ANTOINE J.)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 6, 2011.

**S192751**      B222399 Second Appellate District, Div. 1      **PEOPLE v. YARBROUGH  
(JAMMAL HANEEF)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to January 5, 2012.

No further extensions will be contemplated.

**S194121**      D056943 Fourth Appellate District, Div. 1      **ELK HILLS POWER LLC. v.  
BOARD OF EQUALIZATION**

Extension of time granted

On application of California State Board of Equalization, respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 18, 2012.

**S194163**      **HAGAN (THEODORE) ON  
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to January 9, 2012.

**S194951**      A128647 First Appellate District, Div. 3      **SANDER (RICHARD) v.  
STATE BAR OF  
CALIFORNIA**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to January 19, 2012.

**S195187**      B222845 Second Appellate District, Div. 7      **PEOPLE v. WILLIAMS  
(DEMETRIUS LAMONT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 6, 2012.

**S196830**      B209056 Second Appellate District, Div. 4      **EL-ATTAR (OSAMAH) v.  
HOLLYWOOD  
PRESBYTERIAN MEDICAL  
CENTER**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 30, 2012.

**S197824**

**ROMERO (ORLANDO GENE)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Theodore M. Cropley's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by June 8, 2012, counsel's request for an extension of time in which to file that document is granted to February 7, 2012. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S197851**

E051012 Fourth Appellate District, Div. 2

**MIR (JEHAN ZEB) v. SAN  
ANTONIO COMMUNITY  
HOSPITAL**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to December 19, 2011.

**S196365**

D057570 Fourth Appellate District, Div. 1

**PEOPLE v. BRYANT  
(AMALIA CATHERINE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Anthony Dain is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

**S004770**

**PEOPLE v. MEMRO  
(HAROLD RAY)**

Order filed

On the court's own motion, the order filed on April 13, 2011, is amended to read as follows: Good cause appearing, the "Motion to Allow Counsel to Withdraw," filed March 28, 2011, is hereby granted.

The order appointing Saor Stetler as associate counsel of record for condemned inmate Harold Ray Memro (now known as "Reno"), filed October 16, 2002, is hereby vacated.

Peter Giannini and James S. Thomson remain as appointed lead and associate counsel of record, respectively, for condemned inmate Harold Ray Memro (now known as "Reno").



**S004770****PEOPLE v. MEMRO  
(HAROLD RAY)**

Order filed

On the court's own motion, the order filed on July 27, 2011, is amended to read as follows:

Good cause appearing, the "Motion for Leave to Substitute as Lead and Associate Counsel," filed July 15, 2011, is granted.

The order appointing Peter Giannini and James S. Thomson as lead and associate counsel of record, respectively, for condemned inmate Harold Ray Memro, (now known as "Reno") filed October 16, 2002, is hereby vacated.

James S. Thomson is hereby appointed as lead counsel of record for condemned inmate Harold Ray Memro, (now known as "Reno") and Peter Giannini is appointed as associate counsel of record on behalf of Memro, (now known as "Reno") for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Werdegarr, J., was absent and did not participate.

**S124660****RENO ON H.C.**

Order filed

Petitioner's "Application to File Petitioner's Supplement to the Traverse to Respondent's Return to the Second Petition for Writ of Habeas Corpus and to File Supplemental Exhibits to Petitioner's Second Petition for Writ of Habeas Corpus" is granted.

**S198387****VANDERMOST (JULIE) v.  
BOWEN (DEBRA)**

Order filed

The order filed on December 9, 2011, is hereby corrected to read in its entirety (correcting erroneous year):

In light of the short time frame imposed by the impending 2012 electoral cycle, and the need to clarify the districts that are to be used in conducting the primary and general elections for the California Senate in 2012 should the referendum petitions that have been filed with the Secretary of State prove sufficient to qualify the referendum for placement on the November 2012 ballot and to stay the Senate redistricting map drawn and certified by the Citizens Redistricting Commission, the court has determined that it is appropriate to issue an order to show cause in this matter at this juncture, while reserving the question of this court's jurisdiction for resolution in our eventual decision in this proceeding.

In addition to addressing issues relating to what relief, if any, this court should order in the event the referendum regarding the Senate redistricting map qualifies for the November 2012 ballot, the parties are directed to address the following jurisdictional issues: (1) What standard or test should this court apply in determining whether a referendum is "likely to qualify" within the meaning of article XXI, section 3, subdivision (b)(2) of the California Constitution, for purposes of deciding when a petition for writ of mandate may be filed in this court under that constitutional provision?

(2) Is this court's authority to entertain a petition for writ of mandate prior to the formal qualification of a referendum petition limited to the circumstances set forth in article XXI, section 3, subdivision (b)(2), or does this court have other authority (including inherent authority) to entertain such a petition even if it cannot yet be determined whether such a referendum is "likely to qualify" for placement on the ballot?

The motion of the Citizens Redistricting Commission to intervene in this proceeding and for leave to file preliminary opposition is granted.

To the extent the petition filed in this matter seeks any interim relief pending this court's eventual decision in this matter, the request for any such interim relief is denied.

Petitioner's request for judicial notice filed on December 2, 2011, is granted.

To facilitate this court's conducting of oral argument in this matter as early as the first two weeks in January 2012, and the filing of an opinion in this matter as early as the end of January 2012, the court orders an extremely expedited briefing schedule, as follows:

Respondent and intervener Citizens Redistricting Commission are each directed to serve and file a return or opposition to the order to show cause on or before Wednesday, December 14, 2011.

Petitioner may serve and file a reply to the return or opposition on or before Monday, December 19, 2011.

Any application to file an amicus curiae brief and any amicus curiae brief may be served and filed on or before Wednesday, December 21, 2011.

Any reply or consolidated reply to any amicus curiae brief or briefs may be served and filed on or before Thursday, December 22, 2011.

All service and filings may be made by facsimile with the original and hard copies to follow by mail. The court's fax number is (415) 865-7183.

No extension of time will be granted.

**S174846**

**LAUGHLIN (GREGG  
STEVEN) ON H.C.**

Order filed

Due to clerical error on the part of the State Bar of California, and good causing appearing, the order of this court filed September 17, 2009, imposing discipline, is hereby amended nunc pro tunc to reflect the correct spelling of the name of restitution payee Juan Henriquez. In all other respects, the order remains unchanged.